# Juvenile Justice Public Safety Improvement Act

SB 73 Implementation Tables

May 2016

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### **Department of Corrections**

July 1, 2015  September 1, 2016 County may begin submitting annual application  July 1, 2015  January 1, 2016  January 1, 201	Effective Date (Legislative)	Anticipated Operational Date	Policy Area	Progress Update
Intervention Service Model/Develop Coordination Processes with DSS (SDCL 26-8D-3)  September-JCA's continue to complete GAINS-SS tools on youth. Regional Supervisors have been submitting direct to Roland. DSS sen a request to include numerical score so we will ensure this is happening with our population.  October- DSS presented at annual training, however, did not share referral process as they did not have anything finalized at this time. Lewis and Clark Lisa Wiepen provided presentation on FFT to all JCA's. The continue to complete GAINS-SS on al		September 1, 2016 County may begin submitting annual		after letters were sent to States Attorneys informing them about the program, outlining the requirements for participation, and providing them a spreadsheet of the data to be submitted by the counties by September 1, 2016. Activities for September included responding to questions and placing the spreadsheet onto the DOC website. No activities are planned for October. The dollars associated with the diversion fiscal incentive for FY 2016 were allocated to Teen Court.
	July 1, 2015	January 1, 2016	Intervention Service Model/Develop Coordination Processes with DSS	GAINS-SS online training. We begin implementation of the tool on August 1st. Initial data will be sent through the regional supervisors to Roland at Mountain Plains at the end of each month.  September-JCA's continue to complete GAINS-SS tools on youth. Regional Supervisors have been submitting direct to Roland. DSS sent a request to include numerical scores so we will ensure this is happening with our population.  October- DSS presented at annual training, however, did not share referral process as they did not have anything finalized at this time. Lewis

			participated with staff attending. 11 teams trained.
			April 2016- We continue to submit referrals to DSS. As of March 31, 2016, DOC had made 67 referrals to DSS. DOC participated in an implementation meeting for FFT on March 10, 2016.
	July 1, 2015	Performance Measures (SDCL 26- 8D-2, 26-8D-9 (3) & (6), 26-8D-19, 26-8D-20)  Performance Measures continued.	Based on the performance reporting requirements, activities in September involved setting up a template to track required data on a monthly basis. In addition to supporting reporting to the Oversight Council, the template will support monthly progress reporting. The draft of the template has been shared with members of the Performance Measures Workgroup. We will begin populating the template with historical data in October.
			April-we continue to work on collecting data. Will provide outcomes to Oversight Council semiannually.
July 1, 2015	January 2016	Validate YLSI-2.0	Contract has been signed with University of Cincinnati to conduct a validation study of DOC Juvenile division YLSI data to be completed by November of 2015.  The contract was signed with UC. Kristi sent an email on 7/29/15 to Jennifer Lux to request an anticipated start date.
			August: An initial meeting date was scheduled with UC for 8/31, to include Kevin, Doug & Kristi. We anticipate this meeting will assist us with establishing the strategy for administering the vignettes that will be completed by staff as well as the electronic data submission of YLS/recidivism data to UC and timelines for the project.

			September-Kevin and Joy are in the process of preparing our data to submit to UC. Kaitlin has been identified as our point of contact for the vignettes that staff will need to score to assess inter-rater reliability.
			October- No updates at this time, waiting for UC to send details on vignettes. Kaitlin is point of contact for this.
			December- We provided clarification around our data to UC. All JCA staff completed scoring the vignettes by the established deadline.
			February- Because the number of violations is relatively small for the one-year recidivism measures, two year measures for 2013 releases and three-year measures for 2011 and 2012 releases was provided to UC.
			April- We are scheduled to receive our final report from UC on May 20 <sup>th</sup> .
July 1, 2015		Native American Youth Outcomes Study (SDCL 26-8D-5)	Dept. Tribal Relations in coordination with state agencies will make recommendations to oversight council to improve outcome for Native youth in juvenile justice system. The first meeting of the JJRI Native American focus group was held on September 30.
			Continuation of workgroup meetings.
July 1, 2015	July 1, 2015	DOC Role in Treatment Team Meetings (SDCL 26-11A-8.1)	DOC did complete the review and have put in place a specific process for JCA's to conduct monthly treatment team meetings with all residential providers. Specific forms have been finalized, staff completed training in June 2015 and providers were given an opportunity for input. Roll out is in effect July 1, 2015. There is a follow up November 2015
			meeting with providers to review the
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process for any needed adjustment.
Performance based contracting will utilize this information.

July – All ICAs and facilities are now using the Monthly Reauthorization Form (MRF) during monthly treatment calls. Feedback has been that the process is slow and has taken about an hour for each youth. The hope is this will decrease as ICAs and facility staff become more familiar with the form. Another issue has been making sure the goals are related to the high YLS domains. This has not always been happening in the past. STAR Academy had some issues with implementing the form at Brady Academy but after some discussion with administration it should be worked out now.

August - Feedback from staff continues to be that the process is long and intense. Some facilities are not tying this process into their treatment plan meetings so there are double meetings at times. There have also been scheduling issues. Some facilities have cancelled or not called at the time set up. We will also continue to send copies of the MRF to the Division Director monthly.

<u>September</u>- Our staff have continued with this process. I believe we are seeing fewer issues with scheduling with facilities. I suspect this is related to facilities level of understanding increasing and streamlining the process.

October- Nothing new to report. We will schedule a follow up call with private providers and STAR Academy in November related to this issue.

			December-We completed the follow up conference calls with both private providers and STAR in November. No significant changes to our form or process, just a follow up with JCA staff on a couple issues identified through our stakeholder calls.  January 2016- Fully implemented and being tracked in our database.  May 2016-Reviewed with Provider Association at Spring meeting, no issues noted.
July 1, 2015	January 1, 2016	Community Response Teams (CRT) (SDCL 26-8D-10)	Led by UJS, but requires DOC to be on the local teams. Will need to identify which JCC staff will be assigned to these teams.  April 2016-We are participating in CART teams led by the courts in Yankton, Charles Mix county and Minnehaha county.
July 1, 2015	January 1, 2016	Performance Based Contracting-Group Care/Residential treatment. (SDCL 26-8D-18, 26-8D-19)	DOC has completed a full review of existing performance based contracts utilized by other states. A workgroup has been identified and private providers have identified membership to participate on the workgroup. They are reviewing possible options and seeking language for the final drafts. The workgroup is scheduled for October 20th to review draft contracts with incentives.  Definitions of completion types of programs are under review for consistent application of incentives.  The draft was presented to representatives of the Association of Youth Care Providers on November 23rd, 30th, and December 1st. Both the draft contract clause and the DOC incentive process has been approved by the Association. The actual incentive amounts still need final approval. The amended contract will

			be mailed in late December to affected providers with implementation on January 1, 2016.  December 2015- The contract clause, incentive grids and flowchart was finalized and approved by all parties with input from the Governor's office. Amended contracts with clause were mailed to all providers for signature. On December 1th and 21st conference calls were scheduled with each provider designee to review the process and train on how it will be carried out. DOC developed an electronic claim form for incentives for use after January 1, 2016. Completed.  April 2016- DOC has received incentive claim forms beginning in March 2016 with three at the group care level. In April we received four additional incentive claim forms, two at the group care level and two at the PRTF/IRT level of care. As of April 30, 2016, we have paid out seven total incentives for substantial completion of treatment goals within the designated timeframes.
July 1, 2015	January 1, 2016	Amend DOC Violator Policy (SDCL 26-11A-15)	26-11-A-15 amended to limit the type of offenses that are eligible for revocation. Includes those acts subject to transfer proceedings under SDCL 26-11-3.1, crime of violence under SDCL 22-1-2(9), sex offense under SDCL 22-24B-1, felony sexual registry offense under 22-24B, burglary in second degree, or juvenile presents a significant and likely risk of physical harm to another person and has committed a new violation.  A DOC workgroup has been established and charter drafted. The workgroup is redrafting the policy to

reflect the law change. Workgroup has also identified a need to develop training sessions for hearing officers to ensure compliance.

An initial meeting was held with Kevin McLain, Joy, Kristi & Scott on July 2<sup>nd</sup>. Our first task was to address the reasons for revocation and COMS set up. Current strategy of Felony, Mids., CD, Technical will not work going forward. We created seven new reasons, which are aligned with the offenses allowable for revocation. These will be set up in COMS by 7/30/15. The seven reasons have to be set up in the table under all four supervision levels for a total of 28.

Also, we have to address the behavior severity level set up, which drives the violation response options. Only level 3's will be revocable offenses. Testing will be completed to ensure our logic is sound. If in fact it works as expected, we will then start redrafting aftercare contract and all related forms, policies to support the new aftercare violations/sanctions protocols We have short window for completion as we need to train staff at annual training first week in October.

August: The larger workgroup met on 8/20, to discuss the scope of their work, adjustments that have been made in train juv & assign testing plans and timelines. Group is scheduled to meet again on 9/4, where we will review testing feedback and proceed with revisions to the sanctions grid, contract, and related policies/OM's. Once we complete these efforts, a training power point will be created for delivery at the upcoming JCA training

			in October.
			September- The workgroup has completed their process and submitted all work products to DOC Staff Attorney for review. A meeting was held with Ashley McDonald on 9/22/15. She was comfortable with the work that had been completed, only offered some suggestions for language in the policy as a change. The power point training has been completed and will be delivered to staff in early October.
			October- All staff was trained at annual training on the new requirements associated with SB 73. All policies/OM's, COMS changes have been made and are ready for implementation on January 1st, 2016.
			December-No further action, just waiting to implement on January 1, 2016.
			Fully implemented January 2016.
			April 2016- Staff continues to follow the new requirements.
January 1, 2016	January 1, 2016	Cited Violations (SDCL 26-7A-126)	New procedures for cited violations, will need to update policies/staff training on cited violations.26-7-A, amended to add new section on cited violations, to include Petty theft, second; intentional damage to private property, \$400 or less, purchase, possession or consumption of beverage by person under 21; truancy. Note SA may file petition under certain conditions to include two or more prior judgments for same violation.
			Staff was trained on the new cited violations process in October 2015 at annual training.
July 1, 2015	March 1, 2016	Detention Cost Sharing	Counties will submit calendar year
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	Counties must submit detention bed days data	(SDCL 26-8D-21 through 25)	2013, 2014, and 2015 detention bed totals by March 2016. We are finalizing a letter to county auditors and juvenile corrections administrators that informs them of the program and the need to submit data. One issue we must first address before the letter is sent out is whether county payments for shelter care beds should be included.  April 2016- Letters were sent in November 2015. Two follow up emails were sent following the initial letters on February 4, 2016 and February 26, 2016 to county auditors who had not responded reminding them of the March 1, 2016 due date. As of the March 1 deadline 60 of 66 counties had responded and submitted data. At this point, we are only collecting data to identify the three-year average of detention days. We will be collecting data on 2016 detention bed-day usage after the first of the year so payments can be made to counties experiencing an increase in usage. Payments will be made after the March 1, 2017 data submission deadline.
July 1, 2015	January 1, 2016	STAR Academy Length of stay adjustment (SDCL 26-8D-17)	Requires state run facility to design and operate programs to achieve substantial accomplishment of treatment goals and release to aftercare within three months. A workgroup team has been identified and each programmatic area within STAR is being reviewed for either EBP can be delivered in greater intensity, delivered in modules that can be completed in the community, and/or should the program be delivered entirely in the community. STAR Academy implemented the new monthly treatment process as also required in SB73. This process

will assist STAR in developing very specific transition services and the ability to hand off ongoing services to the community more effectively and within the targeted 90 day release. Program phases will be shortened to accommodate the 90 day target release.

<u>July</u> – New Treatment Plan format was finalized in COMS and program staff started to update the plan to reflect youth progress and areas still needing improvement.

<u>August</u> – Current monthly progress report format will be replaced with the updated treatment plan and sent out by the 10<sup>th</sup> of the month moving forward. Finalize changes to level and points systems to fit 90 day program, Review Decision Points curriculum and decide if it should replace T4C as the main Cog Behavioral Therapy based curriculum. Develop Positive Peer Programming to help manage youth behaviors. Bruce McCoy is meeting with Dept. of Ed to determine best approach to education for youth in a 90 day program.

September – Treatment Plan updated in COMS, new format is being used and adjusted as issues are identified, and Loren Mohr is working with JCA supervisors to include a review of the treatment plan during monthly reauthorization calls with JCAs. We would like to keep T4C as the main cognitive behavior curriculum but need to identify how to transition this service into the community when youth leave STAR.

October – Treatment plan format and meetings have been adjusted and moving forward as planned. DOC

monthly progress report policy needs to be revised to reflect changes. Need to reschedule meeting with Aaron Miller to work on this. Need to develop policy for requesting 30 day extensions. Bruce McCoy is developing an option for providing Virtual Ed classes. DSS staff will be attending training on MRT, ART and DBT. Discussions on going about how to incorporate
this at STAR.  January 2016- Fully implemented
April 2016- STAR Academy was closed in April 2016 due to reduction in juvenile population.
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### **Department of Social Services**

Effective Date	Anticipated	Policy Area	Progress Updates
(Legislative)	Operational Date		
January, 2016	January 31, 2016	Section 6- DSS in collaboration with DOC/UJS shall identify community-based treatment to be made available to juveniles with justice system involvement based on the needs of the youth.  Any treatment identified for implementation shall be quality assured and shown through research or documented evidence to reduce recidivism and other juvenile risk factors.	May 2015- Establish JJRI Stakeholder group to gain input regarding community based treatment. Meet in June and possibly July/August if needed Completed August 20, 2015- Release Functional Family Therapy RFP- Completed November 4, 2015- Identification of additional evidenced based community treatment to be implemented-Aggression Replacement Training (ART), Moral Reconation Therapy (MRT), Cognitive Behavioral Intervention for Substance Abuse (CBISA), Dialectal Behavioral Therapy (DBT)-Completed. November 24, 2015 - Award Functional Family Therapy RFP and establish Quality Assurance requirements to be included in contract agreements; establish training schedule. November 30, 2015- Based on needs data available, identify number and location of youth who need the identified additional interventions. January 2016- Train FFT- begin to provide services Spring/Summer 2016- As referral numbers support, develop additional services
January, 2016	August 1, 2015	Section 6- In cooperation with DOC and UJS, DSS shall establish a juvenile treatment referral process incorporating a risk and needs tool for use by the UJS and DOC and supplemental mental health and substance abuse screening tools.	May & June 2015- Meet with DOC and UJS to identify referral process-Completed July 2015- Develop processes and obtain needed data bases and tools-Completed August 1, 2015- Implement screen process and begin to capture data to analyze the needs of the youthCompleted

January, 2016	January 2016	Section 7-DSS shall collect	August 2015- Develop process for
		data, in the aggregate and	collection of required outcome and
		by provider, on the	performance measure- Completed
		number of juveniles	January 2016- begin to collect the
		referred to treatment, the	data
		number and percent of	Quarterly thereafter- review the data
		juveniles completing	with DOC and UJS.
		treatment and not	Provide outcomes to the Oversight
		completing treatment to	Council semiannually.
		be reported semiannually	·
		to the oversight council	
		and regularly review the	
		information, data, and	
		other performance	
		measures with UJS and	
		DOC.	
January, 2016		Section 14- If requested by	TBD by Courts
		presiding circuit court	
		judge; appoint designee of	
		the Secretary of DSS to	
		serve on CRT teams.	

## **Unified Judicial System**

(Legislative) July 1 <sup>st</sup> , 2015	Operational Date	Sections 2 and 3. Informal Diversions.	May:  ☐ Training for Judges and Court
		Informal diversion no longer than four months; May include restitution; Mandatory diversion based on statutory criteria.	Services provided at Spring Training Events  Update IT and CSO Manuals June:  Updating Informal Diversion Letter and Agreement Form July:  Working with DOC to ensure list of "court-approved" diversion programs is provided by circuit and information necessary for County Reinvestment Fund is available. September/October:  Identifying data elements and reports necessary for tracking. Information provided to States Attorney on data collection requirements. November/December  Data collection reporting form and reminder provided to States Attorney.  Answers questions and begin receiving data from States Attorneys.  Data compilation to begin after first of January. January/February Data reminder sent out Compiling Responses
July 1 <sup>st</sup> ,_2015		Section 6. Community Based Treatment/Referral Process.  Work with DSS and DOC to identify community based	May:  □ Participating with DSS workgroup to identify necessary services □ Developing aggravated risk factor data reporting

	treatment options. UJS to provide aggregated risk factor data to DSS; establish juvenile treatment referral process; requirement to utilize a validated-risk and needs assessment tool.	July:
July 1 <sup>st</sup> , 2015	Section 8. Native American Youth.  Dept. of Tribal Relations to make recommendations	August  Working with Department of Tribal Relations Workgroup to Develop Recommendations.  November/December  Continuation of workgroup meetings  January/April  Legislative change to appoint Secretary of Tribal Relations to Workgroup  Continued meetings of Tribal Relations Workgroup
July 1 <sup>st</sup> , 2015	Section 11 Oversight Council  Chief Justice to appoint 6 members – 1 judge; 1 defense attorney and 4 at- large appointments.	□ Appointments made and letters issued. First meeting to be held Fall of 2015. □ First meeting held and minutes distributed. November/December □ Proposed legislation suggested on composition of Oversight Council for 2016 Legislative session. January/May □ Oversight Council legislation approved □ Meeting on May 18th, 2016

January 1st,	Sections 14 and 15.	☐ <u>September</u> :
2016	Community Response Teams.	<ul> <li>First Circuit Working to</li> <li>Establish a Pilot Program in</li> <li>Yankton.</li> </ul>
	PJ may appoint team; Shall include CSO; UJS shall maintain record of membership; report non-identifying data to the Oversight Council; Supreme Court may adopt rules	October  □ Planning underway for a second CRT in Lake Andes.  □ Working to identify necessary data to collect and report- See Section 18.  November/December  □ Continued work toward CRT Teams in the First Judicial Circuit. Lake Andes stakeholders and potential team members identified.  First meeting held.  January/May  □ CRT Teams established and receiving referrals in Sioux Falls, Yankton and Lake Andes.  □ Developed draft protocols and soliciting comments to those Identified need for additional court rules/training for CRT team members.
January 1 <sup>st</sup> , 2016	Section 18. Data Requirements for Oversight Council on Community Response Teams.  1. Number of Referrals by Circuit 2. Number and % of Referrals where Recommendation provided 3. Number and % where CRT identified a community based alternative 4. Recommendation for each case referred Disposition of each case referred	<ul> <li>□ Identifying data points and methods for tracking and storing data         November/December:     </li> <li>□ Reports drafted and being reviewed for data accuracy/modification as needed.         January/May         □ Continued report development         □ Review of initial data and modifications to report         □ Development of additional reports to respond to demands for additional data.     </li> </ul>

January 1 <sup>st</sup> , 2016	Section 20. Dispositional Decree Requirements-Delinquency.  Changes to findings required in the dispositional decree and when the child may be sent to the DOC.  Section 22. Detention.  Requires findings for extended period of detention.	May/October:  ☐ Judicial Training ☐ CSO Training ☐ November/December ☐ Provide refresher ☐ training/information on new law changes prior to January 1st. ☐ May 2016 ☐ Update for Judges by DOC on ☐ dispositional data to date ☐ May/October: ☐ Judicial Training ☐ CSO Training
January 1st, 2016	Section 23. Duration of Probation- Delinquency.  1. Generally probation should not exceed 4 months; Unless intensive probation or extended for reasons provided.  2. CSO may request two extensions  3. Court may order extension  4. Total duration typically 12 months  5. Probation may not be extended to collect restitution	May/October:  Judicial Training Provided  CSO Training Provided  October:  Additional Judge/CSO  Training provided as part of Fall Judicial Conference September:  Drafted Extension Forms/Order  October:  Extension Forms/Conditions of Juvenile Probation Changes approved by Presiding Judges.  November/December  Provide refresher training/information on new law changes prior to January 1st.
January 1 <sup>st</sup> , 2016	Section 24. Semi-Annual Data Reporting to Oversight Council.  1. Juvenile Probation Admissions 2. Requests for extensions made 3. Requests granted 4. Reason for discharge 5. Length of probation	September  Data Entry  Data Tracking  Creation of Reports  October:  Modifications to Odyssey requested. November:  Review reports/verify data and accuracy/modifications as necessary.

	6. Recidivism rate-Recidivism is defined as "being adjudicated delinquent while on probation or adjudicated delinquent or convicted of a felony in adult court within 1, 2 or 3 years after discharge from juvenile probation." 7. Juveniles placed in detention and duration 8. Juveniles eligible for informal adjustment and informal action 9. Juveniles for whom good cause is found for petition rather than informal action 10. Juveniles summoned to court on a juvenile cited violation 11. Juveniles summoned and referred for informal adjustment and action 12. Juveniles summoned and then petitioned under Section 38.	☐ Continued review of reports/discussion with CJI on reporting parameters and data gathering.
January 1st, 2016	Section 25. Graduated Response Grid.  Create a grid to guide court services in responding to violations of probation.	June:  □ Workgroup Appointed and First Meeting Held on June 5, 2015; August: □ Second Meeting on August 5, 2015 September: □ Draft Grid and Court Rule Developed and being shared with Stakeholder groups. □ Collect Data on Use of Grid-See section 26. October: □ Training for Judges and CSOs held at Fall Judicial Conference November □ Proposed rule submitted to

		Supreme Court for January 12th Rules Hearing.  January/May Grid and rule adopted by Supreme Court Grid Response Training by CJI in January. Grid Implemented Statewide Follow-up regional trainings to be held during summer.
January 1 <sup>st</sup> , 2016	Section 27. Commitments to DOC- Delinquency.  Criteria for violations that may be committed to DOC.	May/October:  ☐ Judge Training CSO Training November/December ☐ Provide refresher training/information on new law changes prior to January 1st. May ☐ DOC presentation to judges on commitment data.
January 1 <sup>st</sup> , 2016	Section 29. Dispositional Decree Requirements-CHINS.  Community Service changes; Criteria for commitment to DOC.	May/October  Judge Training CSO Training November/December  Provide refresher training/information on new law changes prior to January 1st. May  DOC presentation to judges on commitment data.
January 1 <sup>st</sup> , 2016	Section 30. Probation Duration- CHINS.  1. Generally probation should not exceed 4 months; Unless intensive probation or extended for reasons provided. 2. CSO may request two extensions 3. Court may order extension 4. Total duration typically 12 months 5. Probation may not be	May/October:  ☐ Judicial Training ☐ CSO Training ☐ September: ☐ Developed Extension Forms/Order and written statement to provide child ☐ Modified Conditions of Probation Form. October: Conditions of Probation Changes Approved by Presiding Judges. November/December ☐ Provide refresher

Т		
	extended to collect restitution	training/information on new law changes prior to January 1 <sup>st</sup> .
January 1st, 2016	Section 31. CHINS Probation Violations.  Criteria for sending CHINS to DOC.	May/October:  ☐ Judicial Training CSO Training November/December ☐ Provide refresher training/information on new law changes prior to January 1st.
January 1st, 2016	Section 37-40. Juvenile Cited Violations.  Confidential citation proceeding in lieu of a formal petition for second degree petty theft; intentional damage to property less than \$400; minor in possession of alcohol and truancy.	August:  New case type created  October:  Judicial Training  CSO Training  Assisting with Citation Format Data Reporting being defined- see section 24.  November/December  Provide refresher training/information on new law changes prior to January 1st. January/May  Legislative modifications to citations process relating to forfeitures.